

STATE OF INDIANA

Before the Director in an Appeal of the
Administrative Law Judges' Findings of Fact,
Conclusion of Law and Order in an Administrative
Hearing for the Board of the Public Employees' Retirement Fund

In the Matter of
Thomas Joseph Jakelich, Petitioner

FINDINGS OF FACT

This relates to the hearing of an appeal by Thomas Joseph Jakelich which follows a decision given by Judge Shula which resulted from an appeal concerning the Petitioner's selection of pension benefits from the Public Employees' Retirement Fund (PERF) in 1984. During the appeal before the PERF Director on April 19, 1994, the Petitioner stated that at the time he applied for his pension "I was forced to take whatever I could, as high as I could, to obtain the [REDACTED] per month because I came home without a job that day."

This hearing further confirmed the facts from Judge Shula's hearing that on May 21, 1984 PERF's Mrs. Marty Montgomery advised Mr. Jakelich, in a letter, about the benefits he had selected and explained clearly how the benefits would be affected. That letter said "Pursuant to your request regarding your status with PERF" and then goes on to say that effective January 1985 he could get \$609 per month until age 62 and after that [REDACTED]. This was, of course, an estimate of benefits, which is a common practice for pending retirement benefits.

Later that same month, May 30, 1984, PERF's Miss Geneva Marshall wrote to Mr. Jakelich setting out again our estimate of his pension benefit based on his retiring on July 1, 1984 and noting how the benefit would reduce after he reached age 62. Mr. Jakelich, in possession of the information in both of these letters, signed his pension application on June 18, 1984 and made a selection for his benefits which was based on his own judgment.

In fact, Mr. Jakelich wrote to PERF's Mr. Derloshon just a few weeks after signing his pension application in a letter dated September 5, 1984 and acknowledged the information he had previously received concerning his benefits prior to age 62 and after age 62. There were, of course, some discrepancies in the estimated figures which PERF provided to Mr. Jakelich based on the fact that Mrs. Montgomery believed him to be retiring in January 1985 and Miss Marshall believed that he planned to retire in July 1984 when, in fact, he retired effective February 1, 1984. Miss Marshall's letter dated September 21, 1984 in reply to Mr. Jakelich's letter of September 5, 1984 explains the reason there was a difference between PERF's estimated monthly benefit and the amount of his actual benefit.



The Director's hearing on April 19, 1994 did not uncover any new facts concerning PERF. On June 18, 1984, Mr. Jakelich executed a retirement application and selected Option 61. The application, which was signed by the Petitioner, clearly indicated that the pension option selected could not be changed.

Mr. Jakelich was advised by PERF of the pension benefits he would receive under the options he selected. Having selected those options, Mr. Jakelich then signed and submitted an application for retirement benefits which clearly stated that he could not change his selection after submitting the application.

The hearing also confirmed the fact that Mr. Jakelich received a letter dated July 21, 1984 from PERF's Geneva Marshall discussing the amount of his benefits.

Mr. Jakelich has indicated that he found fault with the agency with whom he had worked and with the people there with whom he discussed his retirement. He has further indicated that he had problems with the EEOC relating to his contacts with that federal agency. The circumstances which he describes do not have a bearing on this appeal which relates solely to the PERF option he selected in 1984 and is currently receiving.

ORDER

No error at or by PERF has been found.

Mr. Jakelich's appeal from the Findings and Orders of the Administrative Law Judge is denied.

17 JUN 94
Date

Phillip N. Smith
Phillip N. Smith
Director